

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**GOVERNMENT'S MOTION FOR  
COMPLEX CASE FINDING DUE TO COMPLEXITY OF DISCOVERY**

COMES NOW the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Jennifer A. Winfield, Assistant United States Attorney for said District, and hereby requests the Court to enter a complex case finding due to the volume, complexity, and nature of discovery materials in this matter. For its motion the government states as follows:

1. Michael Bruce McDonald (“McDonald”), the defendant in this matter, is charged with Transportation of Child Pornography. The charge stems from McDonald’s transportation of child pornography from Philippines to the United States.

2. The Government believes that the defendant may have produced some of the images of child pornography that were transported to the United States.

3. The victims of the allegedly produced images of child pornography are Filipino and have been interviewed with the aid of a translator.

4. Extensive discovery has been provided to the defense, including the following:

- a. "16-7792\_Redacted," which is the St. Louis County Police report;
- b. "CA Case," which is information concerning defendant's conviction in Superior Court of California, County of Orange;

- c. "E\_\_\_\_\_ - Arrest Report\_Redacted," which is the arrest report of "E;"
- d. "E\_\_\_\_\_ - Police Report\_Redacted," which is the police report concerning "E;"
- d. "FBI 302 Dated 4-20-2016\_Redacted;"
- f. "McDonald – Picture,"
- g. "McDonald Criminal History,"
- h. "McDonald CSAR Report - Sex Registration\_Redacted,"
- i. "McDonald Birth\_Certificates\_-\_F[redacted]\_Redacted," and
- j. "Reports from Prior Criminal Investigations, etc\_Redacted."
- k. FBI 302 Dated 4-26-16 (Victims)\_Redacted;
- l. FBI 302 Dated 4-26-16;
- m. FBI 302 Dated 3-31-16;
- n. FBI 302 Dated 4-11-16;
- o. FBI 302 Dated 4-20-16\_Redacted;
- p. FBI 302 Dated 4-26-16 (Christine Statement)\_Redacted;
- q. FBI 302 Dated 4-26-16 (DRAFT translation)\_Redacted;
- r. FBI 302 Dated 4-26-16 (Gretchen Statement)\_Redacted;
- s. FBI 302 Dated 4-26-16 (Interview)\_Redacted;
- t. FBI 1087 Dated 4-06-16 (2);
- u. FBI 1087 Dated 4-06-16\_Redacted;
- v. FBI FD-597 forms concerning Mr. McDonald's property
- w. Search Warrant - 4-16mj6072 PLC;
- x. Search Warrant Application - 4-16mj6072 PLC;
- y. email 2015-07-07 22-09;
- z. email 2015-08-18 02-57;
- aa. email 2015-09-14 17-09 Delivery Failure;
- bb. email 2015-09-14 17-09;
- cc. email 2015-09-22 11-56;
- dd. email 2015-09-23 22-31;
- ee. email 2015-09-29 16-55;
- ff. email 2015-10-14 01-01;
- gg. email 2015-11-27 22-09;
- hh. email 2016-02-08 03-49;
- ii. Profile for Mac\_Redacted;
- jj. A "Prior Conviction" containing the following:
  - i. ABSTRACT OF JUDGMENT;
  - ii. amendment 1;
  - iii. case summary;
  - iv. DISPOSITION OF ARREST AND COURT ACTION;
  - v. felony complaint;
  - vi. MINUTES;
  - vii. ST OF CA INFORMATION AMENDMENT 1;
  - viii. ST OF CA INFORMATION AMENDMENT 2 COPY;
  - ix. ST OF CA INFORMATION AMENDMENT 2;
  - x. ST OF CA INFORMATION COPY;
  - xi. ST OF CA INFORMATION;

- kk. Supplement 1 of St. Louis County Report 16-7792;
- ll. G\_ Interview Floor Drawings\_Redacted;
- nn. C\_ and G\_ Identification of McDonald's Picture\_Redacted;
- oo. C\_Body Part Drawing\_Redacted; and
- pp. FBI FD-1057 7-7-2016\_Redacted.

5. The defense has been given access to computer forensics, and video recorded interviews of the children. As stated the above, the interviews were conducted with the aid of a translator. Although the defense has viewed the items with his client, it is anticipated that the defense may need additional time to review the items.

6. There are many legal issues that may be raised regarding the interview of the defendant while he was being transported to the United States from the Philippines, the seizure of evidence, the transportation of child pornography from the Philippines to the United States, etc.

7. Additionally, the Government anticipates that additional time will be required to secure the children's travels from the Philippines to this district so that they could testify at trial.

8. The Speedy Trial Act, 18 U.S.C. § 3161, permits the Court to grant a trial continuance for various reasons. In order to grant such a continuance, the Court must find "that the ends of justice are served by taking such action outweigh the best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(7)(A). The Act specifically accounts for the possibility that a case may be so unusual or complex that it would be "unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself" without some period of delay. *Id.* at § 3161(h)(7)(B)(ii).

9. The government submits that unique discovery considerations render the present matter sufficiently unusual and complex.

WHEREFORE, the government respectfully suggests that the Court enter a complex case finding for purposes of the Speedy Trial Act.

Respectfully submitted,

RICHARD G. CALLAHAN  
United States Attorney

*/s/ Robert F. Livergood*  
ROBERT F. LIVERGOOD  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on September 19, 2016, the foregoing was filed electronically with the Clerk of Court for service on all counsel of record.

*/s/ Robert F. Livergood*  
ROBERT F. LIVERGOOD  
Assistant United States Attorney